

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
DEBORAH WELLS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 04-CV-10164-MEL
	)	
HALLMARK HEALTH SYSTEM, INC.	)	
	)	
Defendant.	)	
_____	)	

**JOINT MOTION TO AMEND SCHEDULING ORDER**

The Parties hereby jointly move the Court to amend the Scheduling Order in this case to: 1) extend the discovery period to February 28, 2006; 2) extend the period for service of Rule 56 Motions to April 28, 2006; 3) extend the period for disclosure of expert witnesses to 30 days following any order by the Court denying summary judgment and/or allowing any part of this case to go to trial (if necessary); and 4) extend the period for expert discovery to 45 days following the 30-day expert witness disclosure deadline (if necessary).

As grounds for this Motion, the Parties state as follows:

1. Under the present Scheduling Order, discovery in this matter is to be completed by November 30, 2005.
2. However, due to the Plaintiff's former counsel's grave illness, which caused him to cease all activities related to his law practice, the Parties had been unable to

conduct any discovery or other substantive activity in furtherance of this case between January and September 2005.

3. On or about August 29, 2005, Charles P. Kazarian, Esq. appeared on the Plaintiff's behalf as successor counsel. Although Attorney Kazarian's appearance has enabled the Parties to resume litigating this case (and to resume settlement discussions), the 90 day extension sought herein is necessary for the Parties to complete discovery in a fair and orderly manner, especially given the undersigned's busy litigation schedules and the upcoming holiday season.

4. Indeed, because the Parties continue to discuss whether the settlement of this case is a possibility, the need for actually completing discovery - not to mention summary judgment and/or a trial - may be altogether obviated.

5. The Parties jointly bring this motion and agree that it will allow them to conclude the litigation of this case in a reasonable, fair and just manner.

WHEREFORE, the Parties respectfully request that the Court enter an order: 1) extending the discovery period to February 28, 2006; 2) extending the period for service of Rule 56 Motions to April 28, 2006; 3) extending the period for disclosure of expert witnesses to 30 days following any order by the Court denying summary judgment and/or allowing any part of this case to go to trial (if necessary); and 4) extending

the period for expert discovery to 45 days following the 30-day expert witness disclosure deadline (if necessary).

Respectfully submitted,

The Plaintiff,

DEBORAH WELLS,

By her attorney,

The Defendant,

HALLMARK HEALTH SYSTEM,  
INC.,

By its attorneys,

s/Charles P. Kazarian  
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Dated: November 28, 2005